



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

**OCT - 3 2016**

**OFFICE OF  
COMPLIANCE AND ENFORCEMENT**

Reply to: OCE-101

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Rick Reese  
Magnetic & Penetrant Services Co., Inc.  
8135 1st Avenue South  
Seattle, Washington 98108

Re: RCRA Compliance Evaluation Inspections  
Magnetic & Penetrant Services Co., Inc.  
**Notice of Violation:** Magnetic & Penetrant Services Co., Inc. (WAD 98848 2659)  
**No Further Action:** MAPSCO Plant 2 (WAH 00004 4642)

Dear Mr. Reese:

This letter is to inform Magnetic & Penetrant Services Co., Inc. of violations of the Washington State Hazardous Waste Management Act as authorized by the U.S. Environmental Protection Agency (EPA) pursuant to the Resource Conservation and Recovery Act (RCRA). These violations were identified as a result of inspections performed by the EPA on July 29, 2015, at Magnetic & Penetrant Services Co., Inc., located at 8135 1st Avenue South, and MAPSCO Plant 2, located at 8165 1st Avenue South, Seattle, Washington. The inspections were performed pursuant to the EPA's inspection authority under Section 3007 of RCRA, 42 U.S.C. § 6927.

From the observations made during the inspections, the following RCRA violations were identified at the facilities:

**Magnetic & Penetrant Services Co., Inc.**

**Violation 1 – Failure to clearly label a container of dangerous waste**

The regulations at WAC 173-303-200(1) allow generators to accumulate dangerous waste on-site without a permit, provided that the generator, among other things, complies with certain conditions, including that each container is labeled or marked clearly with the words "dangerous waste" or "hazardous waste" [WAC 173-303-200(1)(d)].

The inspectors observed that the super sack holding filter cake waste (F006) was not clearly labeled because the hazardous waste sticker was rolling up and falling off. Failure to label a dangerous waste container is a violation of WAC 173-303-200(1)(d).

**Violation 2 – Failure to keep a container of dangerous waste closed**

The regulations at WAC 173-303-200(1) allow generators to accumulate dangerous waste on-site without a permit, provided that the generator complies with certain conditions. The condition at

WAC 173-303-200(1)(b)(i) references WAC 173-303-630(5)(a), which requires that containers used to accumulate dangerous waste be kept closed except when adding or removing waste.

The inspectors observed that the funnel was not latched on a waste container of MEK in the painting area and that the bung was not closed on a container of spent deoxidizer near the wastewater treatment unit. Failure to close a dangerous waste container is a violation of WAC 173-303-200(1)(b)(i).

### **Violation 3 – Failure to sign logs for weekly inspections of dangerous waste accumulation areas**

The regulations at WAC 173-303-200(1) allow generators to accumulate dangerous waste on-site without a permit, provided that the generator complies with certain conditions. The condition at WAC 173-303-200(1)(b)(i) references WAC 173-303-630(6), which requires that the owner or operator inspect, at least weekly, areas where containers of dangerous waste are stored, and keep an inspection log including, among other things, the printed name and the handwritten signature of the inspector.

Based on inspection logs, the inspectors noted four months (January 2014, May 2014, March 2015, and June 2015) in which the weekly inspections were completed, but the logs were not signed. Failure to sign weekly inspection logs violates a condition set forth in WAC 173-303-200(1) for accumulation of dangerous waste without a permit.

### **Area of Concern – Treating and disposing of dangerous waste without a permit or interim status**

The regulations at WAC 173-303-170(3)(b) state that any generator who treats dangerous waste on site must perform the operations in accordance with the treatment, storage, and disposal (TSD) facility requirements as specified by WAC 173-303-600 site unless the generator treats the dangerous waste in accumulation tanks or containers and complies with WAC 173-303-200, 201, 2012 and 283(3).

At the time of the inspection the inspectors were told aerosol cans were broken open by hand with the claw of a hammer. According to the Material Data Safety Sheet (MSDS) the Touch N Tone Aerosol Topcoats paint in the aerosol cans has a flash point of -156 degrees Fahrenheit and is therefore highly ignitable. Although the facility representative said the aerosol cans were emptied prior to being opened with the claw of the hammer, any paint left in the cans would be considered D001 ignitable hazardous waste at a minimum. Breaking open aerosol cans containing any paint with a claw of a hammer would be considered a type of dangerous waste treatment that is being performed outside a tank or container for which a permit is required pursuant to WAC 173-303-170.

### **MAPSCO Plant 2**

Based on the portions of the facility inspected and the information obtained at the time of the inspection, no RCRA violations were identified by the EPA at MAPSCO Plant 2. Therefore, no further action is required at this location.

### **Required Action**

The above violations may subject Magnetic & Penetrant Services Co., Inc. to enforcement action under Section 3008 of RCRA, including the assessment of civil penalties. Within twenty (20) days of receipt



of this Notice of Violation (NOV), the EPA requests that you submit a written response and/or photographs that identify actions you have taken or will take to correct the existing violation.

Please send all material submitted in response to this NOV to Cheryl Williams by email at [williams.cheryl@epa.gov](mailto:williams.cheryl@epa.gov), or:

Ms. Cheryl Williams  
U.S. Environmental Protection Agency  
Air-RCRA Compliance Unit, OCE-101  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

### **EPA Reservation of Rights**

Notwithstanding this NOV or your response, EPA reserves the right to take any action pursuant to RCRA or any other applicable legal authority. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect duties, obligations, or responsibilities with respect to Magnetic & Penetrant Services Co., Inc. under local, state, or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Kristin McNeill of my staff at 206-553-6291 or [mcneill.kristin@epa.gov](mailto:mcneill.kristin@epa.gov).

Sincerely,



Edward J. Kowalski  
Director

By email

cc: Ms. Julie Wartes  
Washington State Department of Ecology

Ms. Jo Jiles  
EPA RCRA Data Manager